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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,392

03/12/2004

Ta-Yi Lee

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05/28/2009

ROSENBERG, KLEIN & LEE

3458 ELLICOTT CENTER DRIVE-SUITE 101

ELLICOTT CITY, MD 21043

EXAMINER

LEE, CHEUKFAN

ART UNIT

PAPER NUMBER

2625

NOTIFICATION DATE

DELIVERY MODE

05/28/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptoactions@rklpatlaw.com

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<b>Office Action Summary</b>	<b>Application No.</b> 10/798,392	<b>Applicant(s)</b> LEE ET AL.	
	<b>Examiner</b> Cheukfan Lee	<b>Art Unit</b> 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
     4a) Of the above claim(s) 4-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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1. Claims 1-8 are pending. Claims 4-6 are withdrawn from consideration in the previous Office action mailed June 16, 2008. Claims 7 and 8 are newly added.

2. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of new ground(s) of rejection.

The added limitations of claim 1 are taught by the newly cited prior art Fujimoto et al. (U.S. Patent No. 6,496,295).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagane et al. (U.S. Patent No. 5,313,289) in view of Fujimoto et al. (U.S. Patent No. 6,496,285). Nagane et al. was cited in the Office action of June 16, 2008.

Regarding claim 1, Nagane et al. discloses a scanner comprising an LED lamp set which includes at least one LED lamp (LED chips 8b) to serve as a light source (Figs. 1,3 and 4, col. 8, line 56 - col. 9, line 6), a transparent plate (33) having one side corresponding to the LED lamp set and other side corresponding to an object (original H) being scanned, light emitted from the LED lamp set passing through the transparent plate (33) to project onto the scanning object, a reflection mirror set (9, 9a and 9b in Fig.

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1) which includes at least one reflection mirror (9a, 9b) for receiving a light reflecting from the object (H), where the light is emitted from the LED lamp set, and which reflects and focuses the light, and an image sensor (CCD 11 in Fig. 1) for receiving the light reflected from the reflection mirror set (, 9a and 9b) and transforming received optical signals to analog signals for outputting.

Nagane et al. does not disclose the newly added limitations. However, such feature of the new limitations is taught by Fujimoto et al. (Fig. 3). Fujimoto et al. teaches the concept of disposing a lamp (3) within a cavity defined by a supporting structure (including 2 and parts of the container 1 between the lamp and the lens 6 as viewed in Fig. 3), the supporting structure including a plurality of walls projecting about opposing sides of the lamp to bound an optical path between the lamp and a transparent plate (9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the concept of Fujimoto et al. to provide Nagane et al. with a supporting structure as claimed for the LED lamp set (LED chips 8b) in order to bound an optical path between the LED lamp and the transparent plate (original mount glass 33 in Fig. 4).

Regarding claim 2, as mentioned above for claim 1, the image sensor (11) of Nagane et al. is a Charge-Coupled Device (CCD) (col. 6, lines 50-52).

Regarding claim 3, Nagane et al. further discloses a rod lens (rod-like lens 8h' in Fig. 4, col. 8, lines 60-64).

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Regarding claim 7, the rod lens (8h') of Nagane et al. (Fig. 4, col. 8, lines 60-64) disposed closed to the LED lamp set (8b in Figs. 3 and 4) to refract and focus the light emitted from the LED lamp set (8b) is small relative to the space between the LED lamp set (8b) and the transparent glass (33 in Fig. 4). In the scanner of Fujimoto et al. (Figs. 3 and 1), there is a space between the lamp (3), the supporting structure (refer to the discussion for claim 1) and the opening (20). One of ordinary skill in the art would have realized that such a relatively small rod lens of Nagane et al. would fit within the space between the structure walls of the scanner of Nagane et al. in view of Fujimoto et al. (refer to the structure walls discussed for claim 1) and encloses the supporting structure. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to disposed the rod lens between the supporting structure walls bounding the optical path of the LED lamp set (8h' of Nagane et al.) to enclose the cavity of the supporting structure in order to simplify the support for the rod lens.

Regarding claim 8, the rod lens (8h' in Fig. 4) of Nagane et al. (Fig. 4) (of the scanner of Nagane et al. in view of Fujimoto et al.) is not exactly of an elliptical shape in sectional contour as claimed, but the rod lens has the refracting and focusing part in an elliptical shape. Based on the discussion of claim 7 that the rod lens is disposed between the supporting structure walls to enclose the cavity of the supporting structure, it would have been a matter of design choice to have the rod lens in an elliptical shape in sectional contour.

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Applicant is reminded of the following:

This application contains claims 4-6 drawn to species nonelected without traverse in the reply filed on February 19, 2008. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cheukfan Lee/  
Primary Examiner, Art Unit 2625